

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHEVYN EUGENE MARSHALL,

Defendant.

CR-18-90-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 14, 2023. (Doc. 306.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on June 13, 2023. (Doc. 302) The United States accused Shevyn Marshall, (Marshall) of violating his conditions

of supervised release 1) by failing to complete his community service at the rate directed by his probation officer; and 2) by using methamphetamine. (Doc.298.)

At the revocation hearing, Marshall admitted that he had violated the terms of his supervised release 1) by failing to complete his community service at the rate directed by his probation officer; and 2) by using methamphetamine. (Doc. 302.)

Judge Johnston found that the violations Marshall admitted proves serious and warrants revocation of his supervised release and recommends one year of supervised release. Judge Johnston also recommended that Marshall's supervised release conditions be amended to include the following: Marshall should be required to maintain full-time employment (40 hours a week); and Marshall should be required to perform the remaining portion of his community service obligation at the rate of 30 hours per month. Marshall should be required to provide written verification of completed hours to his probation officer. (Doc. 306.) Marshall was advised of his right to appeal and his right to allocute before the undersigned. He waived those rights. (Doc. 302.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 306) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Shevyn Eugene Marshall be sentenced to the Bureau of Prison for 0 days with one year of supervised release to follow. Marshall's

supervised release conditions should be amended to include the following: Marshall should be required to maintain full-time employment (40 hours a week); and Marshall should be required to perform the remaining portion of his community service obligation at the rate of 30 hours per month. Marshall should be required to provide written verification of completed hours to his probation officer.

DATED this 14th day of June, 2023.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court